

Please Save Me



OCT 24 2016

CLERK OF DISTRICT COURT
JEROME DISTRICT OF WASHINGTON
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

KYLE CANTY,

Defendant.

No. 16-1-03103-6 SEA

ORDER FOR PRETRIAL
COMPETENCY EVALUATION BY
WESTERN STATE HOSPITAL

THIS MATTER coming on in open court upon the motion of the defense, and there being reason to doubt the defendant's competency, and the court being in all things duly advised; the plaintiff being represented by the undersigned Deputy Prosecuting Attorney; the defendant Present? present; and the defendant being represented by undersigned counsel; now, therefore,

THE COURT FINDS the defendant is in need of a forensic mental health evaluation; and

IT IS HEREBY ORDERED, under the authority of RCW 10.77.060, that the defendant, who is charged with the crime(s) of Felony Harassment (Threaten to Kill), Assault In The Third Degree (Law Enforcement Officer), be evaluated by a qualified expert from Western State Hospital, who shall be approved by the prosecuting attorney, and who is designated by the Secretary of the Department of Social and Health Services. The Secretary may choose to

ORDER FOR PRETRIAL COMPETENCY
EVALUATION BY WESTERN STATE HOSPITAL -
1 Rev (02/2013)

Daniel T. Satterberg, Prosecuting Attorney
Criminal Division
W554 King County Courthouse
516 Third Avenue
Seattle, WA 98104-2385
(206) 296-9000 FAX (206) 296-0955

1 designate more than one evaluator. The evaluation may include psychological and medical tests,
 2 and voluntary treatment if conducted inpatient at Western State Hospital, and shall be completed
 3 as specified below:

4 **I. PLACE OF EVALUATION:**

5 ☒ **A. KING COUNTY JAIL.** The evaluation shall take place in the King County Jail.
 6 The evaluation shall take place as soon as practical following the receipt of all of (i) **this order**,
 7 **(ii) the charging documents, and (iii) the prosecutor's discovery** by Western State Hospital,
 8 unless the court grants further time. If the defendant is transferred to another detention or
 9 correctional facility or a treatment facility under RCW 71.05, the jail or the parties are to
 10 immediately inform Western State Hospital at (253)761-7565, and the facility is ordered to make
 11 the defendant available for the purposes of this evaluation. If the defendant is released from jail
 12 prior to the evaluation, the defendant shall contact the staff at Western State Hospital at (253)
 13 761-7565 within the next working day following his/her release from jail to schedule an
 14 appointment for evaluation at Western State Hospital or an agreed facility.

15 If after an initial assessment, the evaluator determines that the evaluation should take
 16 place or be completed at Western State Hospital, the evaluator shall notify the parties in writing,
 17 and defendant shall be transported to Western State Hospital. The commitment period for the
 18 evaluation shall not exceed fifteen days from the time of admission to Western State Hospital.

19
 20 ☐ **B. OUT OF CUSTODY.** As the defendant is not currently in custody, the defendant
 21 shall contact the staff at Western State Hospital at (253) 761-7565 within the next working day
 22 following the date of this order to schedule and arrange an appointment for evaluation at Western
 23 State Hospital or an agreed facility. If the defendant is committed to a treatment facility before

the evaluation, the facility is ordered to make the defendant available for the purposes of this evaluation order. The examination shall occur as soon as practical following the receipt of **(i) the order, (ii) the charging documents and (iii) the prosecutor's discovery** by Western State Hospital, unless the court grants further time. If after an initial assessment, the evaluator determines that the evaluation should take place or be completed at Western State Hospital, the evaluator shall notify the parties in writing. A new order must be entered to authorize inpatient examination if necessary to complete the evaluation.

If the out-of-custody evaluation cannot be completed within twenty-one days due to a lack of cooperation by the defendant, the evaluator shall notify the court that he or she is unable to complete the evaluation because of such lack of cooperation.

☐ **C. INPATIENT at WESTERN STATE HOSPITAL.** The Court, having found that:

- ☐ (i) defendant is charged with murder in the first or second degree; or
- ☐ (ii) it is more likely than not that an evaluation in the jail will be inadequate to complete an accurate evaluation; or
- ☐ (iii) that an evaluation outside the jail setting is necessary for the health, safety, or welfare of the defendant;

orders the examination to occur at Western State Hospital and the defendant is hereby committed to the care of the Division of Social and Health Services for up to fifteen days from the date of admission to the hospital.

King County Department of Adult and Juvenile Detention shall transport the defendant to Western State Hospital as soon as possible for the purposes set forth above.

II. EVALUATION REQUIREMENTS:

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3 Rev (02/2013)

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☐ **A. DEVELOPMENTAL DISABILITIES PROFESSIONAL:** The court has been advised by a party to the proceedings that the defendant may have a developmental disability, and hereby orders that the evaluation must be performed by a developmental disabilities professional.

☐ **B. INTERPRETER REQUIRED:** The court has determined that the defendant requires the assistance of a qualified interpreter of the _____ language, to be arranged by Western State Hospital.

☐ **C.** The defense attorney requests to be present. The evaluator shall give the defense attorney reasonable notice of and an opportunity to be present at any clinical interview. Notice may be sent to the email address provided below.

III. REPORT REQUIREMENTS:

The staff of Western State Hospital shall provide the report to the chief criminal judge of the court in which the criminal proceeding is pending, and provide copies to the Prosecuting Attorney, the Defense Counsel and others as designated in RCW 10.77.060 and 10.77.065. Distribution of the evaluation report by a facility providing inpatient services shall ordinarily be accomplished within two working days or less following the final evaluation of the defendant.

The report of the evaluation shall include the following pursuant to RCW 10.77.060:

- A. A description of the nature of the evaluation;
- B. A diagnosis or description of the current mental status of the defendant;
- C. An opinion as to whether the defendant suffers from a mental disease or defect, or has a developmental disability. If so, the report shall include an opinion as to competency to stand trial. If the report concludes the defendant is incompetent to proceed, the report shall

include an opinion whether psychotropic medications are necessary and appropriate to restore the defendant's competency and an opinion as to whether defendant is restorable;

D. An opinion as to whether the defendant should be evaluated by a County Designated Mental Health Professional under RCW 71.05.

IV. RECORDS:

A. In accordance with RCW 10.77.060 (1)(a), the staff of Western State Hospital is granted access to all records held by any mental health, medical, educational, or correctional facility that relate to the present or past mental, emotional, or physical condition of the defendant for the purpose of conducting the examination.

V. TRANSPORTATION AND DISCHARGE:

A. Any facility providing inpatient services related to competency shall discharge the defendant as soon as the facility determines that the defendant is competent to stand trial.

Discharge shall not be postponed during the writing and distribution of the evaluation report.

B. If the defendant is discharged to the custody of a local correctional facility, the local correctional facility must continue the medication regimen prescribed by the facility, when clinically appropriate, unless the defendant refuses to cooperate with medication and there is no forced medication order in effect.

C. At the end of any period of inpatient examination and/or testing:

☒ the defendant shall be returned to the custody of the King County Jail to be held pending further proceedings against the defendant.

☐ all parties agree ☐ to waive the presence of the defendant or ☐ to the defendant's telephonic participation at a subsequent presentation of an agreed order if the recommendation of the evaluator is for continuation of the stay of criminal proceedings for restoration efforts, and the hearing is held prior to the expiration of the authorized commitment period.

Pursuant to CrR 3.3., the time for trial period is tolled during this examination period and until this court enters an order finding the defendant to be competent to proceed. The next hearing date is scheduled for Oct 17, 2016

DONE IN OPEN COURT this 3rd day of October, 2016.

JUDGE

Mariane C. Spearman

Deputy Prosecuting Attorney

PRINT NAME: Aubony G. Burns **WSBA No.** 46544

PHONE NUMBER: (206) 296-9000 **FAX Number** (206) 296-0955

EMAIL ADDRESS aubony.burns@kingcounty.gov

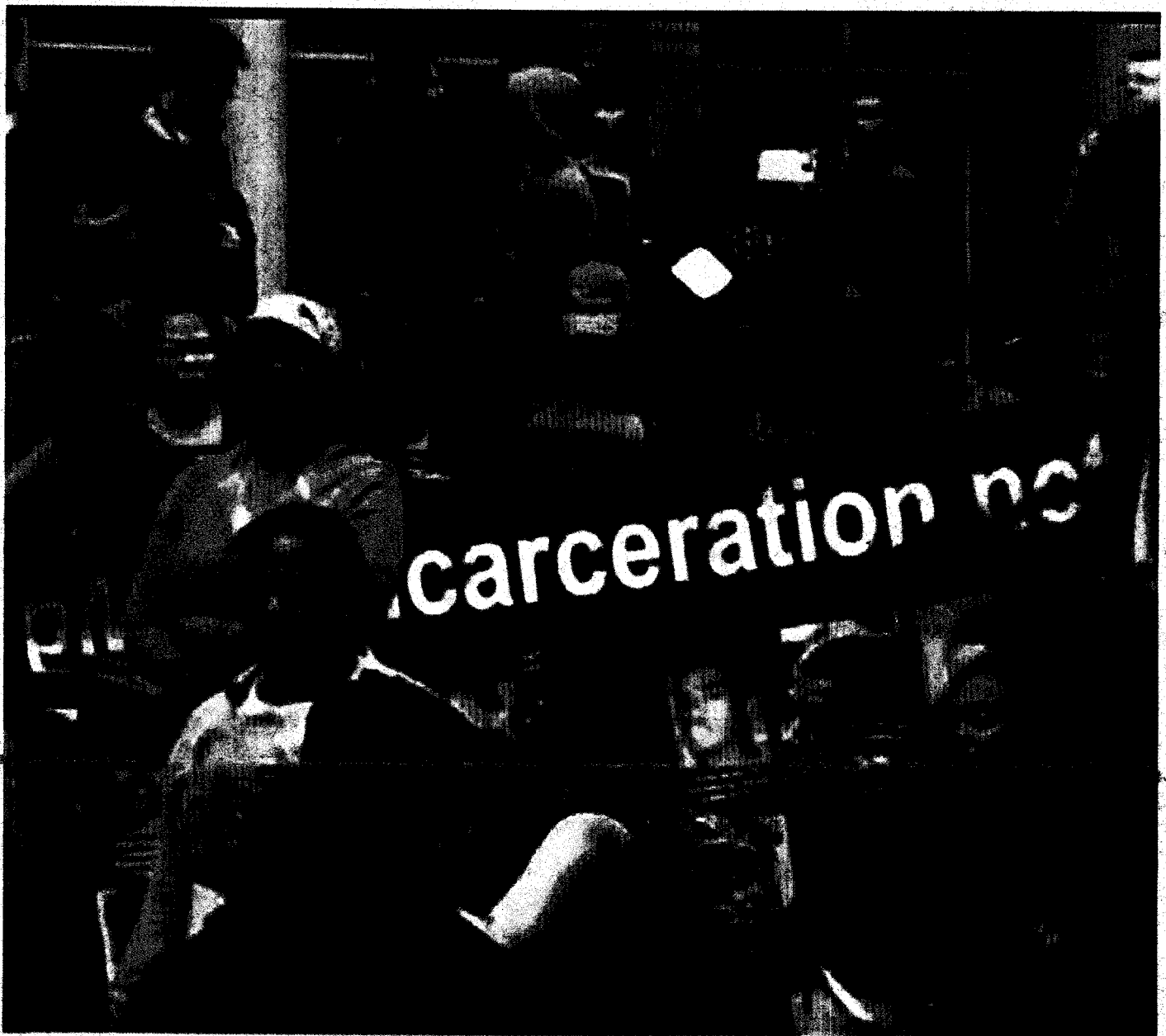
pro se
Attorney for defendant

PRINT NAME: Defendant Pro Se **WSBA No.** PRO SE

PHONE NUMBER: **FAX Number**

EMAIL ADDRESS

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Black lives matter
 Protest, and this is
 the evidence against
 MR. Canty

This Came from
 The King County Prosecutor

FILED
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 OCT 24 2016

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16-1-03103-6 SEA

AT SEATTLE
 CLERK U.S. DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON
 BY DEPUTY

Canty_K 0084

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MR. Canty has on the
Red shirt Black hat with
Phone in hand
IN front of Seattle
federal building
Pictures captured by
the F.B.I.

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Black lives matter protest
in front of Seattle
Federal building

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16-1-03103-6 SEA

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Black lives matter
Protest

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16-1-03103-6 SEA

Canty_K 0082

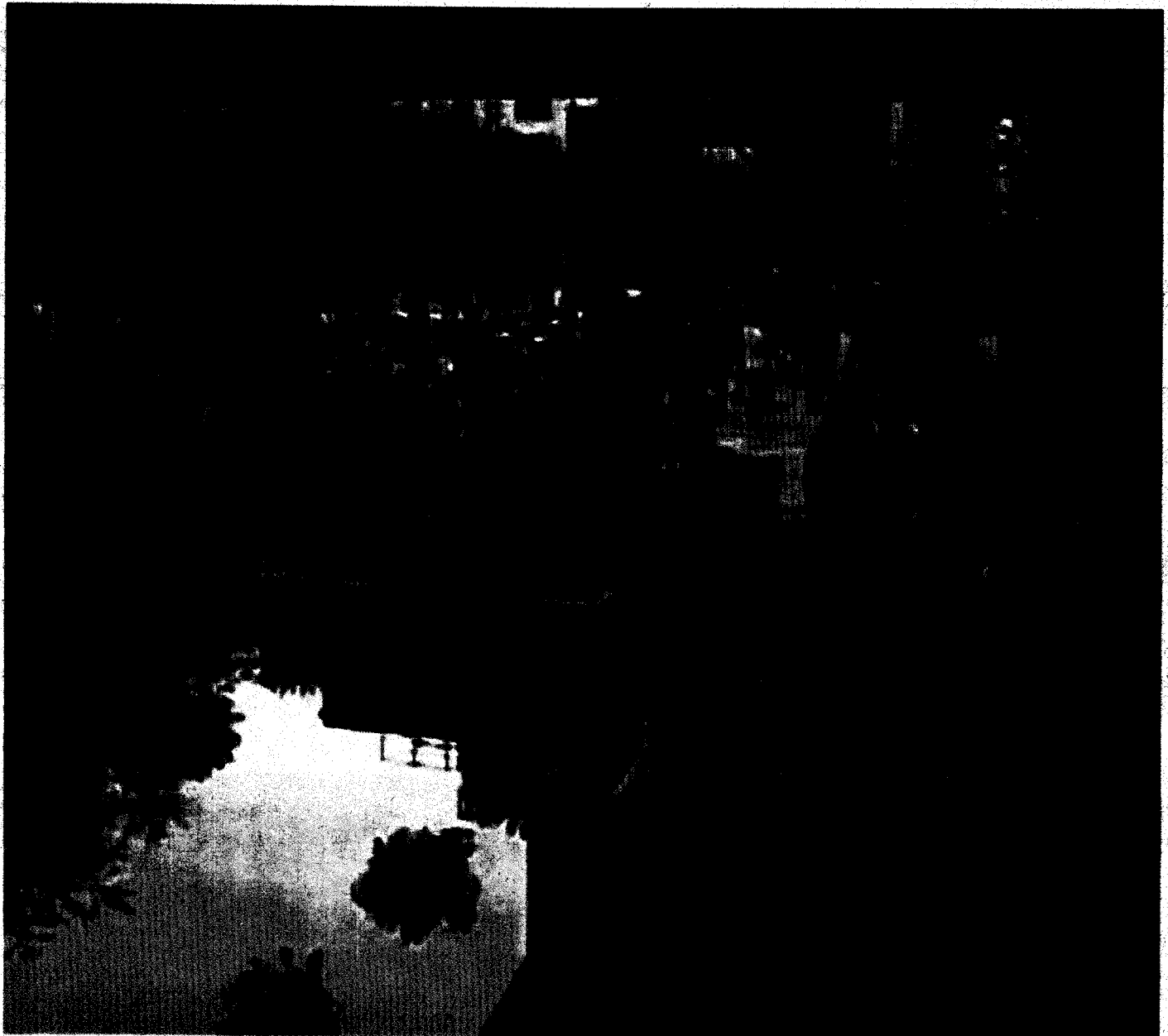
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Black lives matter/protest

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16-1-03103-6 SEA

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Criminal Information Bulletin

Criminal Intelligence Section

EXhibit 3

Headquarters

Date: 7/8/2016

Bulletin prepared by: Detective Renihan — Phone: (206) 684-8770

OFFICER SAFETY BULLETIN

THREATS TO SHOOT POLICE OFFICERS/CRISIS

MAIL

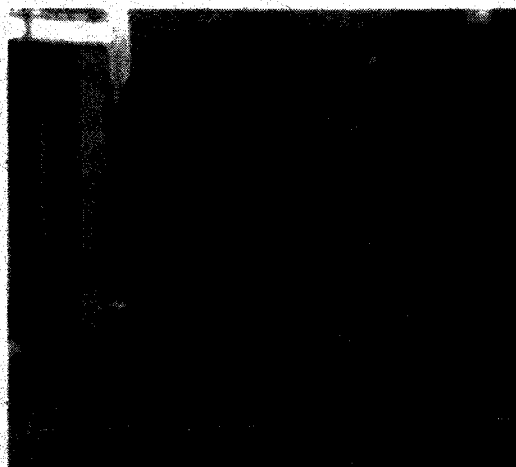
OCT 24 2016

 BY
 CLERK U.S. DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON
 DEPUTY

 H3972310 BD:7/20/1985 30YM
 CANTY
 KYLE

 H EMERGENCY DEPARTMENT
 DOB: 7/20/1985
 Enc: 1806805415

RES:



KYLE L. CANTY B/M/7-20-85 5'07/160
 LKA: 77 S. Washington
 NO Known vehicles

There is no probable Cause for his Arrest.

THERE IS A HAZARD IN NCIC RECORD IN NCIC FOR THREATENING TO SHOOT OFFICERS.

THIS INFORMATION IS PROVIDED FOR OFFICER SAFETY DUE TO HIS ACTIONS/WORDS AND ESCALATING ANGER AND FOCUS ON THE POLICE.

- On 7-2-16 Canty approached an SPD officer on a call and yelled obscenities. Canty stated that he would assault officers if they tried to put hands on him for any reason.
- On 7-5-16 Canty approached SPD Officers at a Starbucks and was videotaping them. Canty made the statements "you want a war with me, you don't want a war with me", "I know where you guys hang out stop harassing me" "do you know about the gun laws in the state of Washington". "It's in your best interest to stop harassing me".
- On 7-7-16 Canty went to the Seattle Police Department OPA office saying he was feeling harassed and threatened by police. He stated that he planned to purchase a firearm to defend himself. He said he would shoot officers if they pulled a gun or taser on him without a warrant.
- On 7-7-16 Canty called the US Attorney's office in Seattle and became upset with the receptionist and stated that he would "start shooting SPD officers if he doesn't get the help he wants". He then called back and left a message that he feels his life has been threatened by the police department and he will protect himself by using deadly force".

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Page 1 of 1

Exhibit 2

CAUSE NO. _____

SEATTLE
POLICE
DEPARTMENT**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

| |
|--------------------------------|
| GENERAL OFFENSE # 16-242554 |
| UNIT FILE NUMBER |

That Timothy Renihan is a Detective with the Seattle Police Department and has reviewed the investigation conducted in Seattle Police Department Case Number 16-242554;

There is probable cause to believe that Kyle L. CANTY committed the crime(s) of Harassment-Threats to Kill within the City of Seattle, County of King, State of Washington.

This belief is predicated on the following facts and circumstances:

7-7-16 1045 hours, Detective Renihan contacted Ofc Culbertson #7662 and interviewed him about SPD case #16-242554 which occurred on 7-2-16. Ofc Culbertson stated that he was leaving 3 Ave and Dilling way and saw Suspect/Kyle L. Canty, B/M/7-20-85. Ofc Culbertson has contacted S/Canty previously and was familiar with S/Canty. Ofc Culbertson stopped his vehicle and S/Canty was 30 to 40 feet away. Ofc Culbertson stayed in his vehicle, put down his window and said "Hi" to S/Canty. S/Canty started yelling about perceived harassment by police. S/Canty told Ofc Culbertson that he "was not afraid to throw bullets at him". Ofc Culbertson asked him "what do you mean?" and S/Canty responded "you know what I mean". Ofc Culbertson believed based on his training, knowledge and experience that he meant that "Throwing bullets" meant shooting. S/Canty then told the officer "you going to sit in your car and talk shit" and told him to get out of his car to see what would happen. Ofc Culbertson believed S/Canty was attempting to antagonize and bait Ofc Culbertson into getting out of the car. Ofc Culbertson believed that if he would have gotten out of the car he may have been assaulted by S/Canty. Ofc Culbertson believes S/Canty's behavior was shocking and that he wanted to fight him or other officers. S/Canty stated again that he would assault officers if they tried to put hands on him. S/Canty continued to try and get Ofc Culbertson to get out of his vehicle and Ofc Culbertson refused. Ofc Culbertson stated that he did not turn on his ICV because he was hyper focused on S/Canty's threatening words and making sure that Canty did not reach for a gun. Ofc Culbertson then left the area for another call. Ofc Culbertson completed an SPD report on the incident and requested a Hazard was posted in the NCIC database to alert other officers of the words and actions of S/Canty and that he may assault or shoot them. Ofc Culbertson believed he had probable cause to arrest S/Canty at the time of the incident, but did not arrest him due to officer safety considerations. Ofc Culbertson stated that he "legitimately believes S/Canty could be the next Christopher Monfort" and could kill an officer. There is probable cause for the arrest of S/Canty for Felony



SEATTLE
POLICE
DEPARTMENT

**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

| |
|------------------|
| INCIDENT NUMBER |
| 16-242554 |
| UNIT FILE NUMBER |
| |

The investigation of S/Canty revealed that besides the Felon Harassment Charge above that on 7-5-16 S/Canty approached SPD Officers at a Starbucks and was videotaping them. S/Canty made the statements "you want a war with me, you don't want a war with me". "I know where you guys hang out stop harassing me", "do you know about the gun laws in the state of Washington". "It's in your best interest to stop harassing me". On 7-5-16 S/Canty went to the Seattle Police Department OPA office saying he was feeling harassed and threatened by police. He stated examples of what officers are saying "Hi Kyle, is that you?". He stated that he planned to purchase a firearm to defend himself. He said he would shoot officers if they pulled a gun or taser on him without a warrant. He stated that he is in fear for his life from "all police departments". On 7-7-16 5 Dallas Police Officers were killed and 12 total people were shot during a protest against police violence. On 7-7-16 during a march against police violence in Seattle, S/Canty told police that the box he was carrying had extended magazines and he was going to buy a Glock 19 next. Due to the escalating behavior of S/Canty on 7-8-16 he was detained per Washington RCW 71.05.153, Emergent detention of persons with mental disorders, Imminent likelihood of serious harm to himself or others.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct to best of my knowledge and belief. Signed and dated by me this 13 day of July, 2016, at Seattle, Washington

